

REMARKS

All outstanding requirements will now be addressed in the order they appear in the Office Action mailed August 28, 2009.

Claim Rejections – 35 USC § 102

Claims 29-31, 33-37, 39-44, 46-48, and 52-54 stand rejected under 35 U.S.C. 102(b) as being allegedly anticipated by Gregory (4501098). The Examiner alleges that all the limitations of these claims are recited by Gregory. Applicant respectfully disagrees and requests reconsideration. Specifically, Applicant respectfully submits that Gregory does not teach or recite at least the following selected claim limitations:

1. In claim 29, “**producing in a factory, out of the building site, at least two horizontal segments of a frame construction [...] , and at least one vertical segment of a frame construction**” – In Gregory, only main modules (10, 20) are produced in factory setting; and slabs (44, 46) and roofs (68) are produced on site (see, Gregory, col. 8, lines 11-27, see also, Gregory, col. 3, lines 12-66). According to this invention, as claimed, the service modules as well as the vertical and horizontal segments are produced in factory setting and transported to the construction site.
2. In claims 29 and 43, the height of the service module “**substantially corresponds to half of its length**” – Gregory does not recite or place any criticality on specific relationships between the dimensions of used modules and segments. In any event, in Gregory, the height of the service modules is not half of its length (see, e.g., Fig. 2 of Gregory).
3. In claims 29 and 43, the width of the horizontal segments is “**substantially corresponding to the height (H) of the service module (2)**” – Gregory does not recite or place any criticality on specific relationships between the dimensions of used modules and segments. In any event, in Gregory, the width of the horizontal segment is not equal to the height of the service module (see, e.g., Fig. 2 of Gregory). It can even be argued that in

Gregory, there are no horizontal segments, as the slabs (44, 46) are poured from concrete on site rather than prefabricated as is inherent for segments of Applicant's invention.

4. In claims 29 and 43, the length of the horizontal segment is "**substantially corresponding to the length (L) of the service module (2)**". Gregory does not recite or place any criticality on specific relationships between the dimensions of used modules and segments. In any event, in Gregory, the length of the horizontal segment is not equal to the length of the service module (see, e.g., Fig. 2 of Gregory). It can even be argued that in Gregory, there are no horizontal segments, as the slabs (44, 46) are poured from concrete on site rather than prefabricated as is inherent for segments of Applicant's invention.

5. In claims 29 and 43, the height of the vertical segment is "**substantially corresponding to the height of the service module**". Gregory does not recite or place any criticality on specific relationships between the dimensions of used modules and segments. In any event, in Gregory, the height of the vertical segment is not equal to the height of the service module (see, e.g., Fig. 2 of Gregory). It can even be argued that in Gregory, there are no vertical segments as defined in the specification, as the service modules in Gregory are directly connected to one another.

6. In claims 29 and 43, the length of the vertical segment is "**substantially corresponding to the length of the service module**". Gregory does not recite or place any criticality on specific relationships between the dimensions of used modules and segments. In any event, in Gregory, the length of the vertical segment is not equal to the length of the service module (see, e.g., Fig. 2 of Gregory). It can even be argued that in Gregory, there are no vertical segments as defined in the specification, as the service modules in Gregory are directly connected to one another.

7. In claims 35 and 41, "**during transportation the horizontal and/or vertical segments of the building are stacked and temporarily connected together, to form a block having length and width corresponding to length and width of a standardized container**". – In Gregory, the horizontal and/or vertical segments are not transported. They are constructed on site.

8. In claims 36 and 42, “**the length and width of the service module correspond to length and width of a standardized container**”. In Gregory, the lengths and widths of a service module are not matched to a standardized container. In fact, a service module in Gregory is not even transported in a container (see, Fig. 1 of Gregory).

9. In claims 46 and 52, “**the horizontal (3) and vertical (4) segments are of the same construction**”. In Gregory, the horizontal segments could possibly be equated with slabs (44, 46) though this is not entirely accurate because slabs (44, 46) are constructed by pouring concrete on site. In Gregory, the vertical segments are not necessary or used, but could possibly be equated with certain walls manufactured on site (e.g., the outer wall 83). Accordingly, horizontal and vertical segments in Gregory, if any, are not of the same construction.

10. In claims 47 and 53, “**the horizontal (3) and vertical (4) segments are of the same dimensions**”. Assuming *arguendo* that horizontal and vertical segments are used in Gregory; that the horizontal segments correspond to slabs (44, 46) and that the vertical segments correspond to outer walls (e.g., 83), it is clear by inspection that the horizontal and vertical segments are not of the same dimensions with respect to one another (see, FIGS. 3-5 in Gregory).

Withdrawal of the 102 rejections over the claims as amended is respectfully solicited in light of the arguments made above.

Claim Rejections – 35 USC § 103

Claims 32, 38, 49, and 55 stand rejected under 35 USC 103(a) as being allegedly unpatentable over Gregory. In addition, claims 45 and 51 stand rejected under 35 USC 103(a) as being allegedly unpatentable over Gregory in view of Smith (3462891). Applicant respectfully disagrees and requests reconsideration. Applicant respectfully submits that insofar as claims 29 and 43 are novel and non-obvious so are claims 32, 38, 45, 49, 51 and 55 as being dependent on claims 29 and 43.

Allowable Subject Matter

Claims 50 and 56 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has rewritten claim 50 in independent form including all of the limitations of the base claim and any intervening claims as new claim 57.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission only be charged to **Deposit Account No. 503182** to the extent that the fees were not already submitted though EFS-Web.

Customer Number: **33,794**

Respectfully Submitted,

/Matthias Scholl/
Dr. Matthias Scholl, Esq.
Reg. No. 54,947
Attorney for Applicant

Date: November 27, 2009